

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ANGELA BLANCO and NICHOLAS  
MAGILL, on their own behalf and others  
similarly situated,

Plaintiffs,

-v-

ADF PIZZA I LLC, a Delaware corporation,  
*et al.*,

Defendants.

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No. 11 Civ. 588 (RJS)  
ORDER

RICHARD J. SULLIVAN, District Judge:


On February 9, 2012, the Court held a telephone conference to determine whether the Court should approve the settlement agreement reached between Plaintiffs and Defendants in this Fair Labor Standards Act collective action. Judicial approval is required before parties may settle a case brought under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 *et seq.* See *Medley v. Am. Cancer Soc’y*, No. 10 Civ. 3214 (BSJ), 2010 WL 3000028, at \*1 (S.D.N.Y. July 23, 2010) (“With only two exceptions, employees cannot waive FLSA claims for unpaid wages or overtime, for less than full statutory damages. The two exceptions are for: (1) settlements supervised by the Secretary of Labor, and (2) judicially-approved stipulated settlements.” (quoting *Manning v. New York Univ.*, No. 98 Civ. 3300 (NRB), 2001 WL 963982, at \*12 (S.D.N.Y. Aug. 22, 2001))). “In deciding whether to approve a stipulated settlement, the Court must ‘scrutiniz[e] the settlement for fairness.’” *Id.* (quoting *Lynn’s Food Stores, Inc. v. U.S. By & Through U.S. Dep’t of Labor, Employment Standards Admin., Wage and Hour Div.*, 679 F.2d 1350, 1353 (11th Cir. 1982)).

For the reasons stated on the record and set forth in the papers submitted by the parties in connection with the proposed settlement, the Court has determined that this settlement is a fair one. Accordingly, IT IS HEREBY ORDERED THAT the settlement between Plaintiffs and Defendants is judicially approved. IT IS FURTHER ORDERED THAT the parties' proposed notice to the class of potential opt-in Plaintiffs is judicially approved. As directed by the Court during the telephone conference on February 9, 2012, the parties are HEREBY ORDERED to submit a joint letter apprising the Court of the status of the settlement distribution no later than May 30, 2012.

Finally, IT IS HEREBY ORDERED THAT this action is dismissed with prejudice but without costs.

SO ORDERED.

DATED: February 10, 2012  
New York, New York

  
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RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE